



House of Representatives

File No. 670

General Assembly

February Session, 2000

(Reprint of File No. 297)

Substitute House Bill No. 5204
As Amended by House Amendment
Schedules "A", "B" and "C"

Approved by the Legislative Commissioner
April 27, 2000

An Act Revising Certain Transportation Laws.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 7-136d of the general statutes is repealed and the
2 following is substituted in lieu thereof:

3 The legislative body of any municipality, may, by ordinance,
4 authorize any existing agency, authority, board, commission, stock or
5 nonstock corporation, or create a new agency, authority, board or stock
6 or nonstock corporation to apply for a grant of the privilege of
7 establishing, operating and maintaining a foreign trade zone as
8 permitted pursuant to the federal Foreign-Trade Zones Act of 1934, [as
9 amended,] 19 USC Sections 81a to 81u, inclusive, as from time to time
10 amended, provided such ordinance shall be submitted to the electors
11 of such municipality for approval or rejection at a regular election or a
12 special election warned and held for that purpose. Such vote shall be
13 taken in the manner prescribed by section 9-369. Any municipality
14 having once rejected such an ordinance shall not vote again on the
15 question within one year from the previous vote thereon.

16 Sec. 2. Section 7-329c of the general statutes is amended by adding
17 subdivision (17) as follows:

18 (NEW) (17) Apply for a grant of the privilege of establishing,
19 operating and maintaining a foreign trade zone as permitted pursuant
20 to the federal Foreign-Trade Zone Act of 1934, 19 USC Sections 81a to
21 81u, inclusive, as from time to time amended.

22 Sec. 3. Section 7-329d of the general statutes is repealed and the
23 following is substituted in lieu thereof:

24 Each port authority may make and enforce any reasonable
25 regulations [which] that it may determine to be necessary for the
26 proper development, maintenance and use of the port facilities,
27 relating to the construction, equipment, repair, maintenance, use and
28 rental of any dock, wharf, slip, bus or air terminal, rail tracks or
29 terminal or warehouse or other port authority owned or leased by any
30 individual or corporation within the port [district] facility and may
31 operate and maintain a foreign trade zone, as permitted pursuant to
32 the federal Foreign-Trade Zone Act of 1934, 19 USC Sections 81a to
33 81u, inclusive, as from time to time amended.

34 Sec. 4. Subsection (a) of section 13a-80g of the general statutes, as
35 amended by section 37 of public act 99-181, is repealed and the
36 following is substituted in lieu thereof:

37 (a) Any municipality may sell, lease or otherwise transfer easements
38 or other interests in, above or below any street, highway or other
39 public right-of-way to the centerline thereof, other than the right-of-
40 way of a state highway as defined in section 13a-1, in the same manner
41 that it may dispose of any other interest in real property owned by
42 such municipality; provided that adequate provision is made for the
43 safe and convenient public use of the street, highway or other public
44 right-of-way and for the protection of adjacent land users and that the
45 transferee of said interest restores the street, highway [,] or right-of-
46 way to its condition existing prior to the transfer of said interest and
47 provided further that any sale, lease [,] or transfer of easements or

48 other interests above any street, highway [.] or other public right-of-
49 way is made with the consent of the owner of the real property
50 abutting the portion of the street, highway [.] or other public right-of-
51 way above which such easement or other interest is sold, leased or
52 transferred. The sale, lease or transfer of easements or other interests
53 in, above or below the portion of a street, highway or other public
54 right-of-way lying to one side of the centerline thereof, shall not
55 prevent the sale, lease or transfer of easements or other interests in,
56 above or below the portion lying on the other side of such centerline,
57 unless the terms of the initial sale, lease or transfer so provide.

58 Sec. 5. Section 13a-98m of the general statutes is repealed and the
59 following is substituted in lieu thereof:

60 As used in sections 13a-98e, 13a-98f and 13a-98i, as amended by
61 section 1 of public act 99-181, to 13a-98k, inclusive, "federal surface
62 transportation urban program roadway or facility" means any state or
63 locally maintained roadway or facility [which] that is deemed eligible
64 for surface transportation urban program funding in accordance with
65 the [Intermodal Surface Transportation Efficiency Act of 1991]
66 Transportation Equity Act for the 21st Century, all amendments
67 [thereto] to said act and all applicable federal regulations.

68 Sec. 6. Section 13b-15 of the general statutes is repealed and the
69 following is substituted in lieu thereof:

70 (a) The commissioner shall develop and revise biennially a
71 comprehensive, long-range, master transportation plan designed to
72 fulfill the present and future needs of the state and to assure the
73 development and maintenance of an adequate, safe and efficient
74 transportation system. In developing the plan, the commissioner shall
75 investigate and study all existing transportation facilities and services
76 in the state and shall examine the feasibility of planning a long-term
77 commercial transportation system, with the goal of coordinating all
78 transportation services, including airports, seaports, rail, freight and
79 transit systems. The commissioner shall give particular consideration

80 to reports and studies prepared under the auspices of the Connecticut
81 interregional planning program relating to the planning and
82 development of the state and any existing reports, surveys, plans or
83 studies relating to transportation prepared for or by any agency of the
84 state.

85 (b) In such plan the commissioner shall: (1) Set forth [his] the
86 commissioner's recommendations for planning, engineering,
87 acquisition of rights-of-way, construction and reconstruction and
88 rehabilitation and modernization of transportation facilities; (2)
89 consider, among other things, federal air quality standards,
90 conservation and cost of energy supplies, present and projected travel
91 volumes, reduction in travel volumes due to the implementation of
92 transportation management programs, safety, maintenance costs and
93 other sufficiency factors where appropriate, as well as long-range land
94 use, environmental impact, energy impact and economic development
95 patterns of the state; (3) indicate the order of priority of need for
96 improvements within each mode of transportation, according to [his]
97 the commissioner's judgment; and (4) indicate the priorities for the
98 next two and five-year periods, both by need and by fiscal capability,
99 in the area of public transportation. The indication of such priorities
100 for public transportation shall include an individual accounting of the
101 amount and source of all funding for each potential program and an
102 approximate timetable, including the starting and completion dates for
103 each potential program.

104 (c) The commissioner shall, relative to the [Intermodal Surface
105 Transportation Efficiency Act of 1991] Transportation Equity Act for
106 the 21st Century: (1) Identify the funds to be received annually in the
107 following categories: [; interstate] Interstate construction, interstate
108 maintenance, national highway system, bridge, surface transportation
109 program, interstate transfer, congestion mitigation and air quality,
110 metropolitan planning, special projects and any other category
111 designation under the act; (2) identify the projects to be funded
112 annually through each funding category; (3) identify the projects to be
113 funded annually through each category, as a result of the change in

114 formulas and new flexibility allowed under the [Intermodal Surface
115 Transportation Efficiency Act of 1991] Transportation Equity Act for
116 the 21st Century; (4) identify which projects [shall] will require the
117 expenditure of state funds to leverage federal funds; (5) identify the
118 amount and percentage of state funds [which] that must be expended
119 for each project in order to leverage federal funds; (6) identify the
120 amount of federal funds [which] that may be expended annually to
121 repair local bridges identified as being in poor condition; (7) identify
122 the economic impact of the federal funds allocated to the state in terms
123 of job creation or retention; (8) identify the mass transit projects to be
124 funded; (9) identify the manner in which the department intends to
125 comply with the requirements of the Clean Air Act, as amended by
126 P.L. 101-549, and how the department intends to expend any funds
127 allocated to the department to achieve the goals of the act; and (10)
128 identify with specificity the expenditures to be made from funds
129 received in the congestion mitigation and air quality grant in relation
130 to the needs identified by employers in their compliance plans
131 submitted pursuant to substitute house bill 5659 of the February, 1992,
132 regular session*.

133 (d) In such plan the commissioner shall identify the amount of
134 funds and projects to be undertaken pursuant to the Americans with
135 Disabilities Act of 1990.

136 (e) The plan shall be completed and submitted biennially to the
137 Governor on or before January thirty-first of each odd-numbered year.
138 The commissioner shall, biennially, on or before January thirty-first of
139 each odd-numbered year, notify all members of the General Assembly
140 of the availability of the plan. [A member requesting a plan shall be
141 sent] The commissioner shall send a written copy or electronic storage
142 media of the plan [by the commissioner] to any member requesting the
143 plan.

144 (f) In developing and revising the plan, the commissioner may: (1)
145 Conduct public hearings; (2) consult and cooperate with officials and
146 representatives of the federal government, neighboring states,

147 interstate commissions and authorities, local agencies and authorities,
148 interested corporations and other organizations concerning problems
149 affecting transportation in the state; (3) request and receive from any
150 agency or other unit of the government of the state or of any political
151 subdivision [thereof] of the state, or from any public authority, such
152 assistance and data as may be necessary to enable the commissioner to
153 carry out [his] the commissioner's responsibilities under this section;
154 (4) to the extent [he] the commissioner may deem appropriate, make
155 use of, and incorporate in the plan, any existing long-range
156 transportation plan, survey or report developed by any public or
157 private agency or person; and (5) employ consultants.

158 (g) Copies of the plan, as revised, shall be kept on file as a public
159 record in the office of the commissioner.

160 Sec. 7. Subsection (a) of section 13b-16 of the general statutes is
161 repealed and the following is substituted in lieu thereof:

162 (a) On or before September first annually, the commissioner shall
163 conduct and complete an investigation and study of the several modes
164 of transportation in the state, in which [he] the commissioner shall
165 evaluate the adequacy of the facilities and services connected with
166 each such mode [.] and shall determine the needs of the state
167 transportation system. The commissioner shall consult with the
168 Connecticut Public Transportation Commission which shall advise the
169 commissioner in matters pertaining to rail and motor carrier facilities
170 and services. The studies shall be used in the [annual] biennial revision
171 of the comprehensive long-range master transportation plan.

172 Sec. 8. Section 13b-79c of the general statutes is repealed and the
173 following is substituted in lieu thereof:

174 (a) The Department of Transportation shall give due consideration
175 to the recommendations of the state-wide transit study in its
176 implementation of the flexibility provisions of the [Intermodal Surface
177 Transportation Efficiency Act of 1991] Transportation Equity Act for
178 the 21st Century.

179 (b) On and after October 1, 1992, the Department of Transportation
180 shall pursue a reasonable funding level or goal of projects to be
181 financed through the issuance of special transportation bonds for mass
182 transit projects to be funded by the state and under the [Intermodal
183 Surface Transportation Efficiency Act of 1991] Transportation Equity
184 Act for the 21st Century. As of July 1, 1996, a thirty per cent funding
185 level or goal shall be deemed reasonable, provided if a reasonable
186 effort is made to reach such goal or funding level, the department shall
187 be in compliance with this subsection.

188 Sec. 9. Section 13b-103 of the general statutes, as amended by
189 sections 3 and 5 of public act 99-181, is repealed and the following is
190 substituted in lieu thereof:

191 (a) (1) No person, association, limited liability company or
192 corporation shall operate a motor vehicle in livery service until such
193 person, association, limited liability company or corporation has
194 obtained a permit from the Department of Transportation, specifying
195 the nature and extent of the service to be rendered and certifying that
196 public convenience and necessity will be improved by the operation
197 and conduct of such livery service. Such permits shall be issued only
198 after a written application for the same has been made and a public
199 hearing has been held thereon. Upon receipt of such application,
200 together with the payment of a fee of two hundred dollars, the
201 department shall fix a time and place of hearing thereon, within a
202 reasonable time, and shall promptly give written notice of the
203 pendency of such application and of the time and place of such
204 hearing to each applicant, the mayor of each city, the warden of each
205 borough and the first selectman of each town, within which any such
206 applicant desires to maintain an office or headquarters, to any carrier
207 legally operating motor vehicles in livery service within the same
208 territory and to other interested parties as determined by the
209 department. (2) Notwithstanding any provision of subdivision (1) of
210 this subsection to the contrary, the department may issue a permit for
211 the operation of vehicles (A) having a capacity of less than eleven
212 adults or to be used exclusively at funerals, weddings, christenings,

213 processions or celebrations, without holding a hearing and certifying
214 that public convenience and necessity would be improved by the
215 operation of such vehicles, or (B) having a capacity of not less than
216 eleven [nor] or more than fourteen adults and used for sightseeing and
217 related purposes, without holding a hearing, provided the department
218 issues a legal notice, as provided under section 1-2, of such application
219 and no objection is filed with the department within thirty days of
220 publication of such notice. (3) Notwithstanding any provision of
221 subdivision (1) of this subsection to the contrary, the department may
222 issue a temporary or permanent permit to any person, association,
223 limited liability company or corporation operating a motor vehicle
224 engaged in the transportation of passengers for hire by virtue of a
225 contract with, or a lower tier contract for, any federal, state or
226 municipal agency that (A) [which] is in effect on July 1, 1997, with or
227 without hearing, after a written application for the same has been
228 made and the department has determined that the applicant meets the
229 requirements of subsection (b) of this section except with respect to
230 public convenience and necessity, or (B) [which] becomes effective
231 after July 1, 1997, with or without hearing, after a written application
232 for the same has been made and the department has determined that
233 the applicant meets the requirements of subsection (b) of this section.
234 Any such permit issued under the provisions of this subdivision (i)
235 shall be limited to service provided under any such contract, and (ii)
236 with respect to any contract under the provisions of subparagraph (A)
237 of this subdivision, shall not authorize a total number of motor
238 vehicles exceeding the number required to provide service existing
239 under such contract on July 1, 1997.

240 (b) In determining whether or not such a permit [shall] will be
241 granted, the Department of Transportation shall take into
242 consideration the present or future public convenience and necessity
243 for the service the applicant proposes to render, the suitability of the
244 applicant or the suitability of the management if the applicant is a
245 limited liability company or corporation, the financial responsibility of
246 the applicant, the ability of the applicant efficiently and properly to

247 perform the service for which authority is requested and the fitness,
248 willingness and ability of the applicant to conform to the provisions of
249 this chapter and the requirements and regulations of the department
250 [thereunder] under this chapter.

251 (c) Any interested party may bring a written petition to the
252 Department of Transportation in respect to fares, service, operation or
253 equipment, or the convenience, protection and safety of the public
254 with regard to any carrier operating a motor vehicle in livery service.
255 Thereupon, the department may fix a time and place for a hearing
256 upon such petition and give notice thereof. No permit shall be sold or
257 transferred until the department, upon written application to it setting
258 forth the purpose, terms and conditions thereof and accompanied by a
259 fee of two hundred dollars, after investigation, approves the same. The
260 department may amend or, for sufficient cause shown, may suspend
261 or revoke any such permit. The department may impose a civil penalty
262 on any person or any officer of any association, limited liability
263 company or corporation who violates any provision of this chapter or
264 any regulation adopted under section 13b-102 with respect to fares,
265 service, operation or equipment, in an amount not to exceed one
266 [hundred] thousand dollars per day for each violation. Prior to the
267 imposition of a civil penalty under this subsection, the department
268 shall provide notice to said person or officer no later than fifteen
269 business days [of] after receipt of information concerning an alleged
270 violation and shall provide an opportunity for a hearing.

271 (d) The owner or operator of each motor vehicle in livery service
272 shall display therein such permit or a memorandum thereof.

273 Sec. 10. Subsection (a) of section 13b-251 of the general statutes, as
274 amended by section 16 of public act 99-181, is repealed and the
275 following is substituted in lieu thereof:

276 (a) The minimum overhead clearance for any structure crossing
277 over railroad tracks for which construction is begun on or after
278 October 1, 1986, shall be twenty feet, six inches, except that, (1) if the

279 construction includes only deck replacement or minor widening of the
280 structure, and the existing piers or abutments remain in place, the
281 minimum overhead clearance shall be the structure's existing overhead
282 clearance; [.] (2) the minimum overhead clearance for any structure
283 crossing any railroad tracks on which trains are operated [which] that
284 are attached to or powered by means of overhead electrical wires shall
285 be twenty-two feet, six inches; [.] (3) the minimum overhead clearance
286 for the structure [which] that carries (A) Route 372 over railroad tracks
287 in New Britain, designated state project number 131-156, [.] (B) U.S.
288 Route 1 over railroad tracks in Fairfield, designated state project
289 number 50-6H05, [.] (C) Route 729 over railroad tracks in North Haven,
290 designated state project number 100-149, [.] (D) Grove Street over
291 railroad tracks in Hartford, designated state project number 63-376, [.]
292 (E) Route 1 over railroad tracks in Milford, designated state project
293 number 173-117, [.] (F) Ingham Hill Road over railroad tracks in Old
294 Saybrook, designated state project number 105-164, [.] (G) Ellis Street
295 over railroad tracks in New Britain, designated state project number
296 88-114, [.] (H) Route 100 over the railroad tracks in East Haven, bridge
297 number 01294, [.] and (I) Church Street Extension over certain railroad
298 storage tracks located in the New Haven Rail Yard, designated state
299 project number 92-526, shall be eighteen feet; [.] (4) the minimum
300 overhead clearance for those structures carrying (A) Fair Street, bridge
301 number 03870, [.] (B) Crown Street, bridge number 03871, [.] and (C)
302 Chapel Street, bridge number 03872, over railroad tracks in New
303 Haven shall be seventeen feet, six inches; [, and] (5) the minimum
304 overhead clearance for the structure carrying State Street railroad
305 station pedestrian bridge over railroad tracks in New Haven shall be
306 nineteen feet, ten inches; and (6) the overhead clearance for the
307 structure carrying Woodland Street over the Griffins Industrial Line in
308 Hartford, designated state project number 63-501, shall be fifteen feet,
309 nine inches, with new foundations placed at depths which may
310 accommodate an overhead clearance to a maximum of seventeen feet,
311 eight inches.

312 Sec. 11. Section 13b-281 of the general statutes is repealed and the

313 following is substituted in lieu thereof:

314 If the view of that portion of the tracks of any railroad, crossing a
315 highway at grade, which adjoins such crossing, is obstructed by trees,
316 shrubbery [,] or embankments of earth, [or structures of any kind,] the
317 Commissioner of Transportation may, after a hearing [had] upon such
318 notice as [he] the commissioner deems reasonable to the company or
319 companies owning or operating such railroad or railroads and to the
320 selectmen of the town, mayor of the city or warden of the borough
321 wherein such crossing is situated and to the owners of the land
322 adjoining such crossing, make such orders for or concerning the
323 removal of any such obstruction as will afford an unobstructed view of
324 such railroad tracks and such highway for a distance of at least one
325 hundred and fifty feet in each direction from such crossing. For the
326 purposes of this section, land or easements in land may be taken in the
327 manner provided in section 13b-256 provided such orders are in
328 accordance with current American Association of State Highway and
329 Transportation Officials' Policy for vehicles to safely traverse a railroad
330 crossing from a stopped position. All orders of the commissioner
331 pursuant to the provisions of this section shall specifically set forth the
332 limits within which land may be taken and the nature, purposes and
333 specific limits of the easements so authorized to be taken. The [entire]
334 expense occasioned by any order of said commissioner under the
335 provisions of this section shall be [borne and] paid by [such railroad
336 company] the owner of the land upon which the obstruction is located.

337 Sec. 12. Section 13b-344 of the general statutes is repealed and the
338 following is substituted in lieu thereof:

339 (a) Each town, city or borough shall place, inspect and maintain
340 warning signs and pavement markings consisting of stop lines and
341 advance warning markings on each highway approaching a crossing at
342 grade of such highway and the tracks of any railroad within the
343 respective limits of such town, city or borough. Such signs shall be
344 furnished by the railroad company crossing such highway. Such signs
345 and pavement markings shall conform [as nearly as practicable to the

346 standard road marking signs as adopted and revised by the American
347 Association of State Highway Officials, and, wherever practicable,
348 shall be placed in conspicuous locations beside the highway at a
349 distance of not less than three hundred feet nor more than five
350 hundred feet from the nearest rail of such crossing] with the Federal
351 Highway Administration's Manual on Uniform Traffic Control Devices
352 and shall be placed in a manner that conforms with said manual. If in
353 the case of any such crossing it appears that the placing of the signs
354 prescribed by this section is impracticable or unnecessary, the
355 Commissioner of Transportation [, on petition of the municipality in
356 which such crossing is situated,] may release such municipality from
357 the obligation of placing and maintaining such signs on the highway
358 near such crossing. The railroad company operating over such
359 crossing, or the private party or corporation owning a railroad right-
360 of-way, shall annually notify in writing the appropriate town, city,
361 borough or, in the case of a state highway, the Commissioner of
362 Transportation of the location of all railroad crossings within the
363 respective limits of such town, city or borough and the obligations of
364 such town, city or borough under the provisions of this subsection. The
365 commissioner shall provide each such railroad company, private party
366 or corporation with a list of the towns, cities and boroughs to be
367 notified in accordance with this subsection. Such list shall include the
368 name and address of the official to whom such notification shall be
369 delivered.

370 (b) Each town, city or borough, upon receipt of a report of a
371 malfunctioning grade crossing gate or signal shall dispatch local police
372 or firemen to the crossing [to] who shall, upon consultation with the
373 railroad company crossing such highway, either direct traffic across
374 the crossing or to an alternate route until such time as the railroad
375 company crossing such highway repairs the gate or signal or assumes
376 responsibility for directing traffic.

377 Sec. 13. Section 13b-345 of the general statutes is repealed and the
378 following is substituted in lieu thereof:

379 (a) The Commissioner of Transportation shall investigate conditions
380 surrounding all railroad crossings with public highways at grade and
381 determine at which of such crossings public safety reasonably requires
382 that any person traveling upon the highway shall come to a stop or
383 proceed with caution before passing over the tracks at such crossing.
384 The commissioner may require the railroad company at each of such
385 crossings so determined to erect and maintain on the highway and
386 within the limits of its right-of-way a "stop", "caution" or other sign of a
387 type approved by the commissioner, and may require the company at
388 any grade crossing to erect and maintain stop, caution, warning or
389 other signs of a type approved by the commissioner, but where the
390 tracks cross at grade on state highways, the State Traffic Commission
391 shall prescribe the nature of traffic control devices and traffic control
392 measures to be installed at such grade crossings. When traffic control
393 measures are to be installed on state highways, they shall be furnished
394 and installed by the Commissioner of Transportation.

395 (b) The commissioner shall require each railroad company operating
396 trains at or above twenty-five miles per hour, at all of its crossings at
397 grade with gates or signals, to erect and maintain, within the limits of
398 its right-of-way, a sign advising the public to call the 911 emergency
399 telecommunications number upon the malfunctioning of any grade
400 crossing gates or signals. Such sign shall be of a type approved by the
401 commissioner or the State Traffic Commission.

402 (c) The commissioner shall require each railroad company to
403 maintain logs, subject to the inspection of the department, listing all
404 reports of the malfunctioning of its grade crossing gates or signals.
405 Each log shall contain information concerning all investigations and
406 actions taken by the company to repair the malfunctioning gates or
407 signals. Each company shall report to the municipality all actions taken
408 to repair any malfunctioning gates or signals within the municipality.

409 (d) Each railroad company, upon receiving a report of the
410 malfunctioning of one of its crossing gates or signals, shall
411 immediately investigate such report and repair any malfunction. Such

412 inspection shall not be completed from a moving train.

413 [(e) The provisions of this section shall not apply to a railroad
414 company operating trains which do not exceed twenty-five miles per
415 hour.]

416 Sec. 14. Section 13b-410a of the general statutes is repealed and the
417 following is substituted in lieu thereof:

418 The Commissioner of Motor Vehicles shall adopt regulations in
419 accordance with chapter 54 to implement the participation by this state
420 in the single state registration system, as established by standards
421 adopted by the Interstate Commerce Commission or its successor
422 agency in the Code of Federal Regulations, Title 49, Part 1023, as
423 amended pursuant to United States Public Law [102-240] 105-178, the
424 [Intermodal Surface Transportation Efficiency Act of 1991]
425 Transportation Equity Act for the 21st Century. Such regulations shall
426 require the payment to the state, by or on behalf of interstate motor
427 carriers regulated by the Interstate Commerce Commission or its
428 successor agency, of annual fees for the filing of proof of insurance.
429 Such fees shall equal the amount previously required, as of November
430 15, 1991, of such carriers for the purchase of identification stamps,
431 except that the amount and the method of payment of such fees by
432 such carriers shall not conflict with the provisions of the standards
433 adopted by said commission.

434 Sec. 15. Subsection (a) of section 23-101 of the general statutes is
435 repealed and the following is substituted in lieu thereof:

436 (a) There is established a greenways capital grant program [which]
437 that shall be administered by the Department of Environmental
438 Protection. Grants may be made to municipalities and other
439 organizations for the purpose of providing matching funds to develop
440 greenways, including, but not limited to, transportation-related
441 greenways supported by the federal [Intermodal Surface
442 Transportation Efficiency Act of 1991] Transportation Equity Act for
443 the 21st Century, as amended from time to time. The amount of any

444 grant shall be as follows: (1) For transportation greenways projects that
445 are part of interstate greenways, not more than twenty per cent of the
446 project cost; and (2) for transportation greenways projects that are local
447 spurs from interstate greenways or that are intertown greenways
448 projects, not more than ten per cent of the project cost; and (3) for
449 greenways that are not transportation greenways, not more than half
450 of the capital costs of the project.

451 Sec. 16. Subsection (b) of section 32-6a of the general statutes is
452 repealed and the following is substituted in lieu thereof:

453 (b) The Commissioner of Economic and Community Development
454 may provide grants to develop greenways from the Restoration of
455 Historic Assets in Connecticut Fund established with the proceeds of
456 the bonds issued pursuant to subdivision (2) of subsection (g) of
457 section 2 of special act 77-47. Grants may be made to municipalities
458 and other organizations to develop greenways, including, but not
459 limited to, transportation-related greenways supported by the federal
460 [Intermodal Surface Transportation Efficiency Act of 1991]
461 Transportation Equity Act for the 21st Century, as amended from time
462 to time. The amount of any grant shall be as follows: (1) For
463 transportation greenways projects that are part of interstate
464 greenways, not more than twenty per cent of the project cost; (2) for
465 transportation greenways projects that are local spurs from interstate
466 greenways or that are intertown greenways projects, not more than ten
467 per cent of the project cost; and (3) for greenways that are not
468 transportation greenways, not more than half of the capital costs of the
469 project.

470 Sec. 17. Subsection (c) of section 32-328 of the general statutes is
471 repealed and the following is substituted in lieu thereof:

472 (c) Financial assistance may be provided to municipalities and other
473 organizations to develop greenways, including, but not limited to,
474 transportation-related greenways supported by the federal
475 [Intermodal Surface Transportation Efficiency Act of 1991]

476 Transportation Equity Act for the 21st Century, as amended from time
477 to time. The amount of any grant shall be as follows: (1) For
478 transportation greenways projects that are part of interstate
479 greenways, not more than twenty per cent of the project cost; (2) for
480 transportation greenways projects that are local spurs from interstate
481 greenways or that are intertown greenways projects, not more than ten
482 per cent of the project cost; and (3) for greenways that are not
483 transportation greenways, not more than half of the capital costs of the
484 project.

485 Sec. 18. Subsection (c) of section 32-9qq of the general statutes is
486 repealed and the following is substituted in lieu thereof:

487 (c) Grants may be made under this section to municipalities and
488 other organizations for the purpose of providing funds to develop
489 greenways, including, but not limited to, transportation-related
490 greenways supported by the federal [Intermodal Surface
491 Transportation Efficiency Act of 1991] Transportation Equity Act for
492 the 21st Century, as amended from time to time. The amount of any
493 grant shall be as follows: (1) For transportation greenways projects that
494 are part of interstate greenways, not more than twenty per cent of the
495 project cost; (2) for transportation greenways projects that are local
496 spurs from interstate greenways or that are intertown greenways
497 projects, not more than ten per cent of the project cost; and (3) for
498 greenways that are not transportation greenways, not more than half
499 of the capital costs of the project.

500 Sec. 19. Subsection (b) of section 51-164n of the general statutes, as
501 amended by section 1 of public act 99-23, section 8 of public act 99-163,
502 section 27 of public act 99-194, section 4 of public act 99-255 and section
503 31 of public act 99-268, is repealed and the following is substituted in
504 lieu thereof:

505 (b) Notwithstanding any provision of the general statutes to the
506 contrary, any person who is alleged to have committed (1) a violation
507 under the provisions of section 1-9, 1-10, 1-11, 4b-13, 7-13, 7-14, 7-18, 7-

508 35, 7-41, 7-83, 7-104, 7-283, 7-325, 7-393, 8-25, 8-27, 9-63, 9-296, 9-305, 9-
509 322, 9-350, 10-193, 10-197, 10-198, 10-230, 10-251, 10-254, 12-52, 12-
510 170aa, 12-292, 12-326g, subsection (4) of section 12-408, subsection (3),
511 (5) or (6) of section 12-411, section 12-435c, 12-476a, 12-476b, 12-487,
512 13a-71, 13a-107, 13a-113, 13a-114, 13a-115, 13a-117b, 13a-123, 13a-124,
513 13a-139, 13a-140, 13a-143b, 13a-247, 13a-253, subsection (f) of section
514 13b-42, section 13b-90, 13b-221, 13b-224, 13b-292, 13b-336, 13b-337, 13b-
515 338, 13b-410a, 13b-410b, 13b-410c, subsection (a), (b) or (c) of section
516 13b-412, section 13b-414, subsection (d) of section 14-12, section 14-20a,
517 14-27a, subsection (e) of section 14-34a, subsection (d) of section 14-35,
518 section 14-43, 14-49, 14-50a, 14-58, subsection (b) of section 14-66,
519 section 14-66a, 14-66b, 14-67a, subsection (f) of section 14-80h, section
520 14-97a, subsection (c) of section 14-100a, section 14-100b, 14-103a, 14-
521 106a, 14-106c, 14-146, 14-152, 14-153, 14-163b, a first violation as
522 specified in subsection (f) of section 14-164i, section 14-219 specified in
523 subsection (e) of said section, subsection (b) of section 14-227a, section
524 14-240, 14-249, 14-250, subsection (a), (b) or (c) of section 14-261a,
525 section ~~14-262, 14-264~~, 14-267a, 14-269, 14-270, 14-275a, 14-278, 14-279,
526 subsection (e) of section 14-283, section 14-291, 14-293b, 14-319, 14-320,
527 14-321, 14-325a, 14-326, 14-330, 14-332a, subdivision (1), (2) or (3) of
528 section 14-386a, section 15-33, subsection (a) of section 15-115, section
529 16-256, 16-256e, 16a-15, 16a-22, subsection (a) or (b) of section 16a-22h,
530 section 17a-24, 17a-145, 17a-149, 17a-152, 17a-465, 17a-642, 17b-124,
531 17b-131, 17b-137, 17b-407, 17b-451, 17b-734, subsection (b) of section
532 17b-736, 19a-30, 19a-33, 19a-39, 19a-87, subsection (b) of section 19a-
533 87a, section 19a-91, 19a-105, 19a-107, 19a-108, 19a-215, 19a-219, 19a-222,
534 19a-224, 19a-286, 19a-287, 19a-297, 19a-301, 19a-309, 19a-335, 19a-336,
535 19a-338, 19a-339, 19a-340, 19a-425, 19a-502, 20-7a, 20-14, 20-158, 20-231,
536 20-257, 20-265, 20-324e, subsection (a) of section 20-341, section 20-341l,
537 20-597, 20-608, 20-610, 21-30, 21-38, 21-39, 21-43, 21-47, 21-48, 21-63, 21-
538 76a, 21a-21, 21a-25, 21a-26, 21a-30, 21a-31, subsection (a) of section 21a-
539 37, section 21a-46, 21a-61, 21a-63, 21a-77, subsection (b) of section 21a-
540 79, section 21a-85, 21a-154, 21a-159, 21a-201, 21a-211, 22-13, 22-14, 22-
541 15, 22-16, 22-29, 22-34, 22-35, 22-36, 22-37, 22-38, 22-39, 22-39a, 22-39b,
542 22-39c, 22-39d, 22-39e, 22-49, 22-54, 22-61, 22-89, 22-90, 22-98, 22-99, 22-

543 100, 22-111o, 22-123, 22-279, 22-280a, 22-318a, 22-320h, 22-324a, 22-326,
544 22-342, subsection (b) or (e) of section 22-344, section 22-359, 22-366, 22-
545 379, 22-380, 22-391, 22-413, 22-414, 22-415, 22a-66a, 22a-246, subsection
546 (a) of section 22a-250, subsection (e) of section 22a-256h, section 22a-
547 449, 22a-461, 23-37, 23-38, 23-46, 23-61b, subsection (a) or (b) of section
548 23-65, section 25-37, 25-40, 26-19, 26-21, 26-31, 26-40, 26-40a, 26-49, 26-
549 54, 26-59, 26-61, 26-64, 26-79, 26-89, 26-97, 26-107, 26-117, 26-128, 26-
550 131, 26-132, 26-138, 26-141, 26-207, 26-215, 26-221, 26-222, 26-224a, 26-
551 227, 26-230, 26-234, 26-267, 26-269, 26-294, 28-13, 29-6a, 29-109, 29-161a,
552 29-161b, 29-198, 29-210, 29-243, 29-277, 29-316, 29-318, 29-341, 29-381,
553 30-48a, 30-86a, 31-3, 31-10, 31-11, 31-12, 31-13, 31-14, 31-15, 31-16, 31-18,
554 31-23, 31-24, 31-25, 31-28, 31-32, 31-36, 31-38, 31-38a, 31-40, 31-44, 31-47,
555 31-48, 31-51, 31-51k, 31-52, 31-52a, 31-54, subsection (a) or (c) of section
556 31-69, section 31-70, 31-74, 31-75, 31-76, 31-76a, 31-89b, 31-134,
557 subsection (g) of section 31-273, section 31-288, 36a-787, 42-230, 44-3,
558 45a-450, 45a-634, 45a-658, subdivision (13) or (14) of section 46a-54,
559 section 46a-59, 46b-22, 46b-24, 46b-34, 47-34a, 47-47, 49-8a, 49-16, 53-
560 133, subsection (a) or (b) of section 53-211, section 53-212a, 53-249a, 53-
561 252, 53-264, 53-301, 53-302a, 53-303e, 53-311a, 53-321, 53-322, 53-323, 53-
562 331, 53-344 or 53-450, or (2) a violation under the provisions of chapter
563 268, or (3) a violation of any regulation adopted in accordance with the
564 provisions of section 12-484, 12-487 or 13b-410, shall follow the
565 procedures set forth in this section.

566 Sec. 20. Subsection (b) of section 1 of public act 99-6 is repealed and
567 the following is substituted in lieu thereof:

568 (b) Any reciprocity agreement, arrangement or declaration relating
569 to livery services in effect on April 9, 1999, between this state and any
570 jurisdiction not a party to any reciprocal agreement or plan authorized
571 by subsection (a) of this section, or [which relates] relating to any
572 matters not covered in such reciprocal agreement or plan, shall
573 continue in force and effect until specifically amended or revoked as
574 provided by law.

575 Sec. 21. Section 24 of public act 99-181 is repealed and the following

576 is substituted in lieu thereof:

577 The Commissioner of Transportation may enter into contracts for
578 repair, improvement and maintenance work on any limited access
579 highway, or concerning any adopt a highway program, excluding the
580 Merritt Parkway.

581 Sec. 22. Section 4 of public act 99-265 is repealed and the following is
582 substituted in lieu thereof:

583 (a) Not later than January 1, 2000, [and] then not later than October
584 1, 2000, and annually after October 1, 2000, the Commissioner of
585 Transportation, within available General Fund appropriations, shall
586 [make] establish a state matching grant program, in accordance with
587 the provisions of this section, which shall be available to any
588 municipality upon application of such municipality. Such grants shall
589 be expended by such municipalities for elderly and disabled demand
590 responsive transportation programs that shall be available to persons
591 age sixty or older.

592 (b) Not later than thirty days after the commissioner determines [a
593 grant] an allocation amount, the commissioner shall notify
594 municipalities of the availability of such amount.

595 (c) Municipalities shall apply to the state through a designated
596 regional planning organization or transit district within the
597 transportation service region, as established in section 13b-38m, for
598 funding allocations. The regional planning organization or transit
599 district and municipalities interested in applying for the funds
600 allocated to municipalities within that transportation service region
601 shall collaborate on service design to determine how to use the
602 funding most effectively in that municipality and region. The
603 commissioner shall have the authority to approve or disapprove the
604 method for delivery of service.

605 [(c)] (d) The maximum amount [of any such grant] allocated to a
606 municipality [shall be eligible to receive] shall be determined by the

607 commissioner in accordance with the following formula: Fifty per cent
608 of such funds shall be apportioned on the basis of the share of the
609 population of persons age sixty or older in the municipality relative to
610 the state's total population of persons age sixty or older, as defined in
611 the most recent federal decennial census or in estimates provided in
612 the five-year interim by the Office of Policy and Management. Fifty per
613 cent of such funds shall be apportioned on the basis of a municipality's
614 square mileage relative to the state's total square mileage.

615 [(d)] (e) Each municipality applying for such grant funds shall
616 provide a fifty per cent match to such funds. If a municipality chooses
617 not to apply for such funds, its portion shall revert to the General
618 Fund.

619 [(e)] (f) A municipality, receiving a grant provided pursuant to this
620 section, shall annually submit to the Commissioner of Transportation,
621 on forms provided by said commissioner, the following data on such
622 transportation programs: (1) The number of unduplicated riders; (2)
623 the number of one-way trips; (3) the number of miles traveled; (4) the
624 number of trip denials; (5) the number of hours vehicles are in use
625 annually; (6) all federal, state, municipal and other revenues received
626 and expenditures incurred in the provision of dial-a-ride services; and
627 (7) any other information determined to be necessary by the
628 commissioner.

629 [(f)] (g) A municipality receiving a grant pursuant to this section
630 shall annually submit to the Commissioner of Transportation a
631 certification that any state grant shall be in addition to current
632 municipality levels of spending on such programs.

633 [(g)] (h) Any funds appropriated for the purposes of this section
634 shall not be expended for any other purpose.

635 Sec. 23. Within available appropriations, the Department of
636 Transportation, in collaboration with the Connecticut Coastline Port
637 Authority and current Long Island ferry operators, shall conduct a
638 study of means by which to increase waterborne transportation to and

639 from the ports along Long Island Sound, including, but not limited to,
640 establishing additional intrastate passenger ferry services, providing
641 incentives for commercial roadway carriers to use ferry services and
642 expanding the transportation by barge of commercial products. The
643 department shall, in conducting its study, review and evaluate: (1) The
644 cost and benefit of establishing such services or providing such
645 incentives, and (2) whether such services and incentives are likely to
646 result in motor vehicle traffic reduction. In conducting its study, the
647 department shall, to the greatest extent possible, utilize information,
648 data and resources developed by the United States Department of
649 Transportation in its ongoing study of these issues. Not later than
650 March 15, 2001, the department shall submit a report of its findings
651 and recommendations to the joint standing committee of the General
652 Assembly having cognizance of matters relating to transportation, in
653 accordance with the provisions of section 11-4a of the general statutes.

654 Sec. 24. Bridge Number 6222, located on southbound Route 218 in
655 the town of Windsor, passing over Interstate Route 91, shall be
656 designated the "Anthony J. Shelto Bridge".

657 Sec. 25. Bridge Number 1745, running in the westbound direction,
658 located on Interstate Route 84 in the town of West Hartford, passing
659 over Berkshire Road, shall be designated the "William E. Lehmann
660 Memorial Bridge".

661 Sec. 26. The segment of Route 167 located in Avon, running in a
662 generally northerly direction, from Harris Road to the Simsbury-Avon
663 town line shall be designated the "First Company Governor's Horse
664 Guards Memorial Highway".

665 Sec. 27. The Bridge located in the town of Windham, which is
666 currently being constructed over state project number 163164, shall be
667 designated the "Thread City Crossing."

668 Sec. 28. Bridge Number 2857, located on Route 32 in New London,
669 running in a generally southerly direction, passing over Williams
670 Street #1, shall be designated the "Donna Millette-Fridge Memorial

671 Bridge".

672 Sec. 29. Bridge Number 5864, located on Interstate Route 91 in
673 Hartford, running in a generally northerly direction, passing over
674 Leibert Road, shall be designated the "Paul Laffin Memorial Bridge".

675 Sec. 30. Bridge Number 6130A, located on Interstate Route 95, in the
676 town of Waterford, shall be designated the "African-American War
677 Veterans Bridge".

678 Sec. 31. Bridge Number 0806, located on Route 15 in the town of
679 Wethersfield, passing over Route 175, shall be designated the "Fred H.
680 Callahan, Jr. Memorial Bridge".

681 Sec. 32. Route 94, from Route 2 to the Glastonbury-Hebron town
682 line, running in a generally eastbound direction, shall be designated
683 the "94th Infantry Division Memorial Highway".

684 Sec. 33. Bridge Number 1453, located on Interstate Route 91
685 northbound over Middletown Avenue in the town of Wethersfield,
686 shall be designated the "Neil Esposito Memorial Bridge."

687 Sec. 34. Bridge Number 0860, located on Route 17 over the Main
688 Street Extension in the town of Middletown, shall be designated the
689 "Max Corvo Memorial Bridge."

690 Sec. 35. Bridge Number 3502, located on Route 175, over SSR 405, in
691 the town of Newington, shall be designated the "John F. Klett
692 Memorial Bridge."

693 Sec. 36. A segment of Interstate Route I-91, running in a northerly
694 direction, from the New Haven-North Haven town line to the North
695 Haven-Wallingford town line, shall be designated the "Century
696 Division Memorial Highway".

697 Sec. 37. A segment of Interstate Route I-91, in Wallingford, running
698 in a northerly direction, from the North Haven-Wallingford town line
699 to the Wallingford-Meriden town line, shall be designated the "All

700 Airborne Memorial Highway".

701 Sec. 38. The segment of Route 159, running in a northerly direction
702 from the Hartford-Windsor town line to the Windsor-Windsor Locks
703 town line, shall be designated the "Kasmir Pulaski Memorial
704 Highway".

705 Sec. 39. (a) Sections 13b-247, 13b-255 to 13b-259, inclusive, 13b-266
706 and 13b-306 of the general statutes are repealed.

707 (b) In codifying the provisions of this act, the Legislative
708 Commissioners shall delete the references to sections 13b-247, 13b-255
709 to 13b-259, inclusive, 13b-266 and 13b-306 that appear in the following
710 sections of the general statutes: 13b-205, 13b-218, 13b-219, 13b-268, 13b-
711 270, 13b-274, 13b-281, 13b-287, 13b-288, 13b-293 and 13b-307.

712 Sec. 40. (NEW) (a) The towns of East Lyme, Montville, Salem and
713 Waterford may, by ordinance consistent with the provisions of
714 subsections (b) and (c) of this section, establish a Route 11 Greenway
715 Authority Commission which shall be deemed established at such time
716 as the last of the four towns has adopted such ordinance.

717 (b) Such ordinance shall specify the membership of the commission,
718 which shall consist of the Commissioner of Environmental Protection,
719 or said commissioner's designee, the Commissioner of Transportation,
720 or said commissioner's designee, a member and alternate member
721 from each of the towns of East Lyme, Montville, Salem and Waterford,
722 appointed by the first selectman of each of said towns, and a member
723 and alternate member of the Southeastern Connecticut Council of
724 Governments appointed by said agency. Each member and alternate
725 member shall serve for a term of two years and until such member's
726 successor is appointed and has qualified. Such appointments may be
727 made at a meeting of the town's legislative body, to take effect when
728 the last of the four towns has adopted such ordinance. An alternate
729 member shall be empowered to vote on said commission in the
730 absence of the member for whom such person is an alternate. The
731 initial terms of members shall commence when the last of the four

732 towns adopting such ordinance has appointed a member and an
733 alternate member. Any vacancy on the commission shall be filled in
734 the same manner as the original appointment for the balance of the
735 unexpired term. No appointed member shall receive any
736 compensation for service on said commission. Said commission shall
737 elect from its members a chairperson and such other officers as it
738 deems necessary and shall establish its own rules of procedure. The
739 commission shall be an autonomous body within the Department of
740 Transportation for administrative purposes only. The commission may
741 employ experts and such other assistants as it judges necessary and
742 may accept funds from any source. Notwithstanding any other
743 provision of the general statutes, any funds appropriated to the
744 commission, or received by the commission from any other source,
745 shall be held in the custody of the commission and expended by the
746 commission for the purposes set forth in this section.

747 (c) Such ordinance shall also require the Commissioner of
748 Environmental Protection and the Commissioner of Transportation,
749 not later than sixty days after the effective date of this act, to call a
750 meeting of said commission which shall, within ninety days thereafter:

751 (1) Hold public hearings for the purpose of developing standards
752 for (A) defining the initial boundaries of the Route 11 Greenway, (B)
753 planning the design, construction, maintenance and management of
754 the Route 11 Greenway trail system and intermodal transportation
755 access system, (C) identifying and prioritizing lands that should be
756 added to the Route 11 Greenway, (D) recommending land use within
757 the Route 11 Greenway, and (E) acquiring land and securing
758 conservation easements for the Route 11 Greenway, except that
759 nothing in this act shall be construed to prohibit the acquisition of land
760 within the Route 11 Greenway by a municipality; and

761 (2) Establish by-laws by which the commission shall (A) conduct its
762 meetings, including a provision specifying that no action by the
763 commission shall be effective except by the concurring vote of at least
764 four members, (B) protect and preserve the lands under its custody,

765 (C) supervise staff, (D) maintain its records, and (E) report to the
766 General Assembly, as required under subsection (d) of this section.

767 (d) Notwithstanding any other provision of this section or the
768 general statutes, the commission may: (1) Acquire or convey by
769 purchase, gift, lease, devise, exchange or otherwise, any land or
770 interest therein including, but not limited to, conservation easements,
771 located wholly or partly in the conservation zone, provided such
772 acquisition does not utilize funds furnished by the state; (2) transfer,
773 with the approval of the commissioner, any land or interest therein to
774 the state with or without consideration, provided any funds received
775 therefor shall not be deemed funds furnished by the state for the
776 purposes of this section, and (3) contribute or transfer funds to, and
777 enter into agreements with, land trusts or other conservation
778 organizations, to carry out the purposes of this act. The commission
779 shall report to the General Assembly, on or before February fifteenth,
780 annually, on its activities of the preceding year and on its finances. The
781 existence of the commission shall terminate at such time as all of its
782 member towns have withdrawn or it is abolished by the General
783 Assembly.

784 Sec. 41. This act shall take effect from its passage, except that
785 sections 1 to 8, inclusive, section 10, sections 14 to 22, inclusive, and
786 section 39 shall take effect October 1, 2000.

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

OFA Fiscal Note

State Impact: Cost, Savings, Potential Minimal Revenue Gain, Absorbable Costs, Administrative Efficiencies, (Transportation Fund); Potential Costs, (General Fund)

Affected Agencies: Departments of Transportation, and Environmental Protection

Municipal Impact: Indeterminate Cost Savings, Potential Workload Impact

Explanation

State Impact:

Most sections in this bill, as amended, are technical and would have no fiscal impact.

Subsection (c) of Section 9, which increases the civil penalty from \$100 to \$1,000 on any person or business in livery service committing a violation with respect to livery fares, could have a minimal revenue gain to the Transportation Fund of approximately \$3,000.

Section 10 which authorizes the construction of a new pedestrian bridge over the New Haven Rail Line at minimum overhead clearance of 19 feet, 20 inches instead of the mandated minimum clearance of 22 feet, six inches would result in bond fund savings of \$250,000. At a 6.25% interest rate over a twenty-year period, debt service savings would total \$194,811 for long-term project savings totaling \$444,811.

Section 22 which establishes procedures for municipalities to apply for state grants for the elderly transportation services grant program established under PA 99-265 encourages cooperation between municipalities and regional planning agencies or transit districts; it would create administrative efficiencies.

Section 23 which requires the Department of Transportation (DOT) to conduct a study of means to increase waterborne transportation between ports along Long Island Sound and to submit the study to the Transportation Committee by March 15, 2001 will be completed within available appropriations.

Sections 24 through 38 designate commemorative and memorial names for ten state highway bridges and five road segments. Costs for signs and supports can be handled within available appropriations.

In addition, the bill, as amended allows the towns of East Lyme, Montville, Salem and Waterford to establish, by ordinance, a Route 11 Greenway Authority Commission. The commission will be under the auspices of the Department of Transportation (DOT) for administrative purposes only.

It is anticipated that the DOT could incur Personal Services start-up costs of approximately \$94,100 associated with the administrative duties to oversee the greenway project. Ongoing administrative costs of the project could be approximately \$47,000 annually. Other additional costs could also be incurred if the commission employs experts or other assistants and for protecting and preserving lands, and for supervising its staff. These costs are indeterminate and have not been budgeted for.

Since, in accordance with the bill, as amended, the commission cannot utilize funds furnished by the state for the acquisition of land, it is not clear whether or not parcels of land acquired by the state for the mitigation of any environmental impact associated with the project could be used for the greenway project.

Additional costs to the Department of Environmental Protection (DEP) associated with hearings, prioritization, planning, etc. are expected to be minimal and can be handled within available resources.

Municipal Impact:

The bill, as amended, revises and extends statutory responsibility for furnishing and inspecting warning signs and pavement markings for at-grade crossings. Currently, there are agreements between the Department of Transportation (DOT), railroad companies and municipalities for municipalities to place and maintain warning signs on local roads. Towns, cities and boroughs have as a courtesy installed pavement markings and advance warning signs on the approaches to railroad at-grade crossings. This bill, as amended, would codify and conform with current practice. It is not presently clear whether or not municipalities would be subject to additional liability activity over and beyond current liability responsibilities.

Section 13b-344 of the general statutes, as well as this bill, as amended, requires warning signs to be furnished by railroad companies for highways approaching at grade crossings. However, this has not been done for many years and local traffic authorities have provided the signs. Thus, passage of this bill, as amended would result in indeterminate cost savings to those local traffic authorities, cities or boroughs which have provided such signs.

It is anticipated that participation in the Route 11 Greenway Authority Commission by member towns can be handled within normal resources.

House "A" would have a minimal revenue gain of \$3,000 for increasing the civil penalty on any person or business livery service from \$100 to \$1,000; naming three segments of the state's highway system has absorbable costs for erecting signs and supports; other technical changes would have no fiscal impact.

House "B", as well as Section 13b-344 of the general statutes, which

requires warning signs to be furnished by railroad companies for highways approaching at grade crossings would result in indeterminate cost savings to those local traffic authorities, cities or boroughs which have provided such signs.

House "C" allows the towns of East Lyme, Montville, Salem and Waterford to establish, by ordinance, a Route 11 Greenway Authority Commission and places the commission under auspices of the Department of Transportation (DOT) for administrative services only. It also requires the DOT and DEP commissioners to hold public hearings for the purpose of developing standards for the Route 11 Greenway project. These requirements would create administrative costs on the DOT. Should the commission employ experts or other assistants and should the agencies, - primarily the DOT due to the administrative purposes only provision, -assume responsibility for protecting and preserving lands and for supervising its staff, additional costs, which have not been budgeted for, would be incurred.

OLR Amended Bill Analysis

sHB 5204 (as amended by House "A", "B", and "C")*

AN ACT REVISING CERTAIN TRANSPORTATION LAWS.**SUMMARY:**

This bill:

1. allows any authority to operate a foreign trade zone created pursuant to federal law if a municipality authorizes it by ordinance and makes specific changes to the statutory powers of port authorities to allow them to operate and maintain such a zone;
2. increases the civil penalty the transportation commissioner can impose on anyone who violates laws or regulations governing livery service operations from \$100 per day per violation to \$1,000 per day per violation, and makes several technical changes to the livery statutes;
3. applies, by reference, nationally recognized guidelines for minimum sight-line requirements at rail-highway at-grade crossings, eliminates consideration of structures as obstructions under the law, and makes property owners instead of railroads responsible for costs of removing sight-line obstructions;
4. revises and extends statutory responsibility for placing, inspecting, and maintaining advance warning signs and markings for at-grade crossings, including codifying certain municipal responsibilities contained in Department of Transportation (DOT) agreements with towns in 1989 and making several related changes;
5. clarifies and limits an exemption from warning sign and related requirements at certain at-grade crossings for railroads operating low-speed trains;
6. allows the State Street railroad station pedestrian bridge over the New Haven Rail Line to be constructed at a minimum

overhead clearance of 19 feet, 10 inches instead of the statutorily required minimum clearance of 22 feet, six inches for bridges over electrified rail lines, and restores a provision of the minimum clearance law that was inadvertently removed in 1999, the deletion of which would have required all nonexempt bridges built before enactment of the minimum clearance requirements to be raised to meet the requirements;

7. authorizes East Lyme, Montville, Salem, and Waterford collectively to create a Route 11 Greenway Authority Commission by ordinance and specifies its membership, duties, powers, and related functions;
8. specifies procedures for municipalities to apply for state grants under the elderly transportation services grant program established by a 1999 law;
9. within available appropriations and in collaboration with certain other entities, requires DOT to conduct a study of means to increase waterborne transportation between ports along Long Island Sound and submit it to the Transportation Committee by March 15, 2001;
10. restores a prior statutory requirement allowing the Centralized Infractions Bureau to process fines for violations of statutes governing maximum vehicle length, width, and height limits, thus allowing, among other things, fines to be mailed and a court appearance avoided;
11. repeals obsolete and unused statutory authority for railroad companies to acquire property for railroad purposes through a type of condemnation process;
12. designates commemorative and memorial names for 10 state highway bridges and five road segments;
13. updates numerous statutory references to the Intermodal Surface Transportation Efficiency Act of 1991, the former federal law that authorized federal transportation programs and funding, with the name of its successor, the Transportation Equity Act for the 21st Century; and

14. makes several technical changes.

*House Amendment "A" increases the civil penalty for livery law violations and makes the livery law changes effective upon passage, restores current statutory language specifying a minimum 150-foot sight-line distance at grade crossings which the original bill eliminated, makes several minor technical and corrective changes to other provisions, eliminates a commemorative road naming for the Bataan and Corregidor defenders but adds the Thread City Crossing, Century Division, All Airborne, and Pulaski designations, and makes several changes to either correct or provide additional descriptions of roads and bridges being named.

*House Amendment "B" removes the specific language the bill added with respect to municipalities furnishing signs and pavement markings for at-grade crossings and restores current statutory language the bill eliminated that makes railroad companies responsible for furnishing signs.

*House Amendment "C" authorizes the four towns to create a Route 11 Greenway Authority Commission.

EFFECTIVE DATE: October 1, 2000, except for the provisions relating to at-grade crossings (sight lines, advance warning signs, and low-speed railroad exemption), higher civil penalties for livery law violations, the Long Island Sound transportation study, and road and bridge naming, which are effective upon passage.

PORT AUTHORITIES AND FOREIGN TRADE ZONES

The bill allows a municipality, through an ordinance, to permit an authority to apply for a grant of privilege to establish and operate a foreign trade zone as permitted under federal law. It also gives port authorities established pursuant to Connecticut law the specific power to make such an application and to operate and maintain the foreign trade zone. (Connecticut law allows two port authorities—the Bridgeport Port Authority and the New London Port Authority.)

MINIMUM SIGHT-LINE DISTANCES AT RAIL-HIGHWAY GRADE CROSSINGS

By law, there must be an unobstructed view at any rail-highway grade

crossing for at least 150 feet in each direction. If the transportation commissioner finds that trees, shrubbery, earth embankments, or structures of any kind obstruct these sight lines he may, after reasonable notice to the railroad and municipality and a hearing, issue orders to remove the obstruction and restore the minimum sight lines. The bill (1) eliminates structures from the types of obstructions that can lead to such orders, (2) requires the commissioner's obstruction removal orders to be in accord with current policies of the American Association of State Highway and Transportation Officials (AASHTO); and (3) makes the property owner on whose land the obstruction is located instead of the railroad company owning the track responsible for the obstruction removal costs.

The AASHTO sight-line guidelines determine the minimum sight lines necessary at a grade crossing using several variables, including the number of tracks, the width and angle of the crossing, the maximum speed of trains using it, and whether trucks must use it.

GRADE CROSSING ADVANCE WARNING SIGNS AND MARKINGS

By law, a municipality must place and maintain warning signs on its roads approaching an at-grade crossing located in the town. It also requires the railroad company crossing the town highway to provide the signs. Signs conforming to AASHTO standards must be placed, when practical, between 300 and 500 feet from the nearest rail. Currently, the transportation commissioner may release the municipality from the obligation if it successfully petitions that placement of the signs is impractical or unnecessary.

The bill makes several modifications to these requirements based on DOT agreements with the municipalities in 1989 and changing federal requirements. It requires (1) placement and maintenance of pavement markings consisting of stop lines and advance warning markings in addition to the warning signs, (2) municipal inspection of the required warning signs and pavement markings, and (3) that the signs and markings conform to the requirements of the Federal Highway Administration's *Manual on Uniform Traffic Control Devices* (MUTCD) instead of AASHTO standards. It eliminates the requirement for a town to petition DOT for release from its obligation.

The 1989 agreements between DOT and the municipalities where there are rail-highway at-grade crossings make the municipalities

responsible for furnishing and maintaining pavement markings as well as warning signs and require them to follow MUCTD requirements.

Annually, the bill requires to the railroad company or the private entity owning the rail right-of-way to inform in writing the town or, when appropriate, the transportation commissioner of the location of all railroad crossings within its boundaries or jurisdiction and the town's obligation under the law. It requires the transportation commissioner annually to provide the railroad or right-of-way owner with a list of the towns requiring notification and the name and address of the appropriate local official to notify.

The bill also requires police or fire personnel dispatched by a town for traffic control or redirection as required by law upon receipt by the town of a report of a malfunctioning grade crossing gate or signal to consult with the railroad company that owns the crossing beforehand.

LOW-SPEED RAILROAD EXEMPTION

By law, the transportation commissioner can require railroad companies to provide certain types of warning and control signs at their at-grade crossings when he believes the public's safety requires it. He must also require them to (1) provide signs at crossings with gates or signals informing the public to call the 911 emergency number when gates or signals malfunction; (2) maintain logs of gate and signal malfunctions, subject to inspection; and (3) immediately investigate reports of malfunctioning gates and signals. Railroads operating trains that do not exceed 25 miles per hour are exempt from these requirements. The bill limits this exemption only to the requirement to provide 911 emergency notification signs.

ROUTE 11 GREENWAY AUTHORITY COMMISSION

Creation and Membership

The bill authorizes the towns of East Lyme, Montville, Salem, and Waterford to establish a Route 11 Greenway Authority Commission that would come into existence when the last of them has adopted an ordinance to create it. The implementing ordinances must specify the commission's membership as the environmental protection and transportation commissioners, or their designees; a member and alternate member from each of the four towns, appointed by their

respective first selectmen; and a member and alternate member of the Southeastern Connecticut Council of Governments, appointed by the agency. Each commission member and alternate must serve a two-year term and until a successor is appointed and has qualified. Initial terms begin when the last of the four towns has adopted its ordinance. The bill authorizes, but does not appear to require, appointments to be made at a meeting of the town's legislative body and effective when the last of the four towns adopts its creation ordinance. This appears to apply to the initial appointments, but it is not clear how it applies to the appointment of successor members since they would be appointed after the towns had adopted their ordinances. It also is not clear how this provision applies to the member and alternate appointed by the Southeastern Connecticut Council of Governments.

Commission members must serve without compensation.

Commission Organization and Initial Meeting Requirement

The ordinances adopted by the four towns must require the two commissioners (presumably the transportation and environmental protection commissioners) to call a meeting of the commission within 60 days of the bill's provision becoming effective. The meeting must occur within 90 days of the call, but it is unclear what authority these ordinances would have to make the commissioners comply.

The bill makes the commission an autonomous body within the Department of Transportation "for administrative purposes only." It allows the commission to employ experts and other assistants it judges necessary and to accept funds from any source. Any funds appropriated to the commission or received from any other source must be held in its custody and spent for purposes the bill designates.

The commission must elect a chair from its members and such other officers as it deems necessary and must establish its own rules of procedure.

Powers and Duties

The commission must hold public hearings to develop standards for (1) defining the initial Route 11 Greenway boundaries; (2) planning the design, construction, maintenance, and management of the greenway's trail system and intermodal transportation access system; (3)

identifying and prioritizing land to be added to the Route 11 Greenway; (4) recommending land use within the greenway; and (5) acquiring land and securing conservation easements for the greenway, but not to the exclusion of such land being acquired by a municipality.

The commission must also establish by-laws for (1) conducting its meetings, including a requirement that no actions are effective without the concurring votes of at least four members; (2) protecting and preserving the land under its custody; (3) supervising staff; (4) maintaining its records; and (5) reporting to the General Assembly.

The bill authorizes the commission to acquire or convey by purchase, gift, lease, devise, exchange, or in any other way any land or interest in it, such as conservation easements, located entirely or partly in the conservation zone (it is not clear what this zone is) provided an acquisition does not use funding furnished by the state. The bill allows the commission to transfer land or interests to the state “with the approval of the commissioner”, but it is unclear to which commissioner this refers. Such transfers can be made with or without consideration but any funds received as a result cannot be considered funds furnished by the state. The bill also allows the commission to contribute or transfer funds to, and make agreements with, land trusts and other conservation organizations to carry out the bill’s purposes.

By February 15 annually, the commission must report to the General Assembly on its activities and finances in the preceding year. The commission must terminate when all of its member towns have withdrawn or it is abolished by the General Assembly.

ELDERLY TRANSPORTATION SERVICES GRANT PROGRAM

In 1999, the legislature created a DOT-administered grant program providing funds to municipalities that apply for financial assistance for transportation services for the elderly and disabled. The bill requires municipalities to apply for the grants through the designated regional planning organizations or transit districts rather than directly to the DOT. It requires the regional planning organization or transit district and municipalities wanting to apply for funds allocated to municipalities within the transportation service region to collaborate on service design to most effectively use funding in the applying municipality and region. The bill gives the transportation commissioner authority to approve or disapprove the method for

service delivery.

Long Island Sound Water Transportation Study

DOT must conduct the study within available appropriations and in collaboration with the Connecticut Coastline Port Authority and current Long Island sound ferry operators. The study must examine ways to increase waterborne transportation between Long Island sound ports. It must cover, at least, establishing additional intrastate passenger ferry services, providing incentives for commercial highway carriers to use ferry services, and expanding barge transportation of commercial products.

DOT must evaluate the costs and benefits of creating these services and incentives and whether they are likely to reduce highway traffic. It must use the information, data, and resources developed by the U.S. Department of Transportation's ongoing waterborne transportation study to the greatest extent possible. It must submit its findings and recommendations to the Transportation Committee by March 15, 2001.

Repeal of Laws Authorizing Property Acquisition by Railroad Companies

Several statutes originally enacted when railroads were considered public service companies give them the right to acquire property for railroad purposes, if necessary, through a type of eminent domain condemnation process. The bill eliminates the condemnation authority for acquiring necessary property. But railroads may still acquire property with an owner's consent.

Memorial and Commemorative Names for Bridges and Highways

The bill directs the memorial or commemorative naming of the following 10 state highway bridges and five highway segments:

1. State Bridge #6222 on southbound Route 218 over I-91 in Windsor as the "Anthony J. Shelto Bridge";
2. State Bridge #1745 carrying I-84 westbound over Berkshire Road in West Hartford as the "William E. Lehmann Memorial Bridge";

3. State Bridge #2857 located on Route 32 in New London and running in a southerly direction over Williams Street #1 as the "Donna Millette-Fridge Memorial Bridge";
4. State Bridge #5864 running north on I-91 in Hartford and passing over Leibert Road as the "Paul Laffin Memorial Bridge";
5. State Bridge #6130A on I-95 in Waterford as the "African-American War Veterans Bridge";
6. State Bridge #0806 carrying Route 15 over Route 175 in Wethersfield as the "Fred H. Callahan, Jr. Memorial Bridge";
7. State Bridge #1453 on I-91 northbound over Middletown Avenue in Wethersfield as the "Neil Esposito Memorial Bridge";
8. State Bridge #0860 on Route 17 over the Main Street Extension in Middletown as the "Max Corvo Memorial Bridge";
9. State Bridge #3502 on Route 175 over SSR 405 in Newington as the "John F. Klett Memorial Bridge";
10. the bridge in Windham currently being constructed over State Project No. 163-164 as the "Thread City Crossing";
11. Route 167 in Avon running north from Harris Road to the Simsbury-Avon town line as the "First Company Governor's Horse Guards Memorial Highway";
12. Route 94 running easterly from Route 2 to the Glastonbury-Hebron town line as the "94th Infantry Division Memorial Highway";
13. I-91 running northerly from the New Haven-North Haven town line to the North Haven-Wallingford town line as the "Century Division Memorial Highway";
14. I-91 in Wallingford running northerly from the North Haven-Wallingford town line to the Wallingford-Meriden town line as the "All Airborne Memorial Highway"; and
15. Route 159 running northerly from the Hartford-Windsor town

line to the Windsor-Windsor Locks town line as the "Kasmir Pulaski Memorial Highway."

BACKGROUND

Legislative History

The House referred the bill to the Planning and Development Committee on April 4 and the committee reported it favorably on April 11. The House referred it to the Legislative Management Committee on April 13 and the committee reported it favorably on April 18.

COMMITTEE ACTION

Transportation Committee

Joint Favorable Substitute

Yea 24 Nay 0

Planning and Development Committee

Joint Favorable Report

Yea 16 Nay 0

Joint Committee on Legislative Management

Joint Favorable Report

Yea 20 Nay 0